

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY PANAMA IMMEDIATE

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E.O. 11652: N/A

TAGS: PBOR, PN

SUBJECT: PANAMA CANAL TREATIES

FOLLOWING IS TEXT OF DRAFT PROTOCOL OF EXCHANGE. FYI:
THIS IS BASICALLY A "SHORT FORM" PROTOCOL WHICH INCLUDES
ONLY THOSE ITEMS NECESSARY FROM THE STANDPOINT OF U.S.
TREATY LAW. OTHER MATTERS MIGHT BE INCLUDED DEPENDING
UPON OUTCOME OF OUR DISCUSSIONS WITH PANAMA REGARDING
CONTENT OF INSTRUMENTS OF RATIFICATION. FOR EXAMPLE,
SHOULD PANAMA'S INSTRUMENT INCLUDE MUTUALLY SATISFACTORY
UNDERSTANDINGS (WHICH APPEARS TO BE THEIR CURRENT INTEN-
TION), REFERENCE TO SUCH UNDERSTANDINGS WOULD ALSO BE
INCLUDED IN PROTOCOL OF EXCHANGE. END FYI. PLEASE PASS
TO PANAMANIAN NEGOTIATORS ON UNDERSTANDING THAT THIS IS
AN INFORMAL AND AD REFERENDUM DRAFT AND THAT ITS FINAL
FORM AND CONTENT WILL BE SUBJECT TO OUTCOME OF OUR DIS-
CUSSIONS WITH THEM REGARDING CONTENT OF INSTRUMENTS OF
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RATIFICATION.

BEGIN TEXT: "PROTOCOL OF EXCHANGE

CONCERNING THE TREATY CONCERNING THE PERMANENT NEUTRALITY
AND OPERATION OF THE PANAMA CANAL AND THE PANAMA CANAL
TREATY.

THE UNDERSIGNED, JIMMY CARTER, PRESIDENT OF THE UNITED STATES OF AMERICA, AND OMAR TORRIJOS, CHIEF OF GOVERNMENT OF THE REPUBLIC OF PANAMA, DULY AUTHORIZED THERETO BY THEIR RESPECTIVE GOVERNMENTS, HAVE MET FOR THE PURPOSE OF EXCHANGING INSTRUMENTS OF RATIFICATION BY THEIR RESPECTIVE GOVERNMENTS OF THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL AND OF THE PANAMA CANAL TREATY (THE "TREATIES").

THE RESPECTIVE INSTRUMENTS OF RATIFICATION OF THE TREATIES HAVING BEEN CAREFULLY COMPARED AND FOUND TO BE IN DUE FORM, THE EXCHANGE TOOK PLACE THIS DAY, IT BEING UNDERSTOOD AND AGREED BY THE UNITED STATES AND PANAMA THAT, UNLESS THE PARTIES OTHERWISE AGREE THROUGH AN EXCHANGE OF NOTES, THE EXCHANGE OF THE INSTRUMENTS OF RATIFICATION SHALL BE EFFECTIVE ON APRIL 1, 1979, AND THE DATE OF THE EXCHANGE OF THE INSTRUMENTS OF RATIFICATION WITHIN THE MEANING OF ARTICLE VII OF THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL AND ARTICLE II OF THE PANAMA CANAL TREATY SHALL THEREFORE BE APRIL 1, 1979.

THE RATIFICATIONS BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA OF THE TREATIES RECITE IN THEIR ENTIRETY THE AMENDMENTS, CONDITIONS, RESERVATIONS AND UNDERSTANDINGS
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CONTAINED IN THE RESOLUTION OF MARCH 16, 1978, OF THE SENATE OF THE UNITED STATES OF AMERICA ADVISING AND CONSENTING TO RATIFICATION OF THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL, AND THE RESERVATIONS AND UNDERSTANDINGS CONTAINED IN THE RESOLUTION OF APRIL 18, 1978, OF THE SENATE OF THE UNITED STATES OF AMERICA ADVISING AND CONSENTING TO RATIFICATION OF THE PANAMA CANAL TREATY.

SAID AMENDMENTS, CONDITIONS, RESERVATIONS AND UNDERSTANDINGS HAVING BEEN COMMUNICATED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO THE GOVERNMENT OF THE REPUBLIC OF PANAMA, THE TWO GOVERNMENTS AGREE THAT THE TREATIES, UPON ENTRY INTO FORCE IN ACCORDANCE WITH THEIR PROVISIONS, WILL BE APPLIED IN ACCORDANCE WITH THE ABOVE MENTIONED AMENDMENTS, CONDITIONS, RESERVATIONS, AND UNDERSTANDINGS.

PURSUANT TO THE RESOLUTION OF THE SENATE OF MARCH 16, 1978, THE FOLLOWING TEXT CONTAINED IN THE INSTRUMENT OF RATIFICATION OF THE UNITED STATES OF AMERICA OF THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL AND AGREED UPON BY THE TWO GOVERNMENTS IS

REPEATED HEREWITH:

'NOTHING IN THE TREATY SHALL PRECLUDE THE REPUBLIC OF PANAMA AND THE UNITED STATES OF AMERICA FROM MAKING, IN ACCORDANCE WITH THEIR RESPECTIVE CONSTITUTIONAL PROCESSES, ANY AGREEMENT OR ARRANGEMENT BETWEEN THE TWO COUNTRIES TO FACILITATE PERFORMANCE AT ANY TIME AFTER DECEMBER 31, 1999, OF THEIR RESPONSIBILITIES TO MAINTAIN THE REGIME OF NEUTRALITY ESTABLISHED IN THE TREATY, INCLUDING AGREEMENTS OR ARRANGEMENTS FOR THE STATIONING OF ANY UNITED STATES MILITARY FORCES OR THE MAINTENANCE OF DEFENSE SITES AFTER THAT DATE IN THE REPUBLIC OF PANAMA THAT THE REPUBLIC OF PANAMA AND THE UNITED STATES OF AMERICA MAY DEEM NECESSARY OR APPROPRIATE.'

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IN WITNESS THEREOF, THE RESPECTIVE PLENIPOTENTIARIES HAVE SIGNED THIS PROTOCOL OF EXCHANGE IN DUPLICATE, IN THE ENGLISH AND SPANISH LANGUAGES, ON THIS () DAY OF (), 1978.

FOR THE UNITED STATES OF AMERICA: JIMMY CARTER.

FOR THE REPUBLIC OF PANAMA: OMAR TORRIJOS H." END TEXT.
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Subject: PANAMA CANAL TREATIES FOLLOWING IS TEXT OF DRAFT PROTOCOL OF EXCHANGE. FYI: THIS IS BASICALLY A \"SHORT FORM\" PROTOCOL WHICH IN
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To: PANAMA
Type: TE
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